

MINORITY/WOMEN BUSINESS ENTERPRISE PARTICIPATION POLICY

Section I: Introduction

The Board of Trustees (hereinafter the “Board”) has adopted a Minority/Women Business Enterprise Participation Policy (hereinafter the “Policy”) to encourage the development of minority and women business enterprises and to promote equal business opportunities in the district and the community. It is the intent of the Board to foster competition among contractors, suppliers, and vendors that will result in better quality and more economical services rendered to the district. Under this policy, the Board has established, as a goal, that twenty percent of all “discretionary expenditures” of the District be awarded to minority business enterprises as allowed by Miss. Code Ann. §31-7-13(s). However, in no case shall twenty percent minority participation be the conclusive factor in determining the successful bidder. Contractors shall indicate on their bid proposals their good-faith efforts to procure MBE participation.

Section II: Definitions

“Minority Business Enterprise (“MBE”) shall mean a business which is an independent and continuing enterprise for profit, performing a commercially useful function and is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native Americans, according to the following definitions:

- (i) “Asian” means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

- (iii) “Hispanic” means persons of Mexican, South or Central American descent or race.

- (iv) “Native American” means persons who are members of the original people of North America, including Alaska Natives and Aleuts.

“Women Business Enterprise” (WBE) shall mean an independent and continuing enterprise for profit, performing a commercially useful function and is owned and controlled by at least fifty-one percent (51%) owned and controlled by women, as such by the City of Jackson, Mississippi.

A “Certified MBE/WBE” shall mean a business which is certified by the City of Jackson or alternatively by the State of Mississippi. Certified MBEs and WBEs will be listed on the South State Street, Jackson, Mississippi.

Section IV: Race/Gender – Neutral Remedies

The board recognizes that race/gender – neutral remedies may be effective tools used to increase WBE/MBE participation. Therefore, the district will continue to explore these remedies. The remedies will include, but will not be limited to, the following:

Technical assistance techniques to identify and increase the participation of MBE/WBEs in the district's contracting and subcontracting opportunities

Continuation of the joint certification process with the City of Jackson

Continuation of legislative efforts to assist with bonding requirements

The district will annually review the success of these measures in order to determine the extent to which the measures can provide equitable access to the district's contracting and subcontracting opportunities.

It is the intent of this policy to comply with all applicable local, state and national legislation and case law concerning the purchasing process, and therefore not the intent to discriminate against nor show favoritism toward any individual or group because of race, color or creed. The JPSD shall not sacrifice product quality for lower pricing, but shall make all purchases in the best interest of the students of the school district and the taxpaying public. It shall be the primary responsibility of the District Counsel's Office, with assistance of the Purchasing Department, to insure that this policy is followed, and that all actions regarding the requisitioning and purchasing process comply with all applicable purchasing statutes as well as the defined goals relative to MBE/WBE participation.

SOURCE: Jackson Public School District, Jackson, Mississippi

LEGAL SOURCES: Miss. Code Ann. §31-7-13(s); City of Richmond v. J. A. Croson, 488 U.S. 469, 109 S. Ct. 706 (1989); Adarand Constructors, Inc. v. Peña, 515 U. S. 200, 115 S.Ct. 2097 (1995)

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